

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------------|---|--------------------------------|
| TERRI L. FOSTER |) | Civil Action No. 09-453 |
| on behalf of herself and |) | |
| all others similarly situated |) | Judge Cathy Bissoon |
| |) | |
| Plaintiff, |) | Electronically Filed |
| |) | |
| v. |) | |
| |) | |
| KRAFT FOODS GLOBAL, INC. |) | |
| |) | |
| Defendant. |) | |

MOTION FOR CLASS CERTIFICATION UNDER RULE 23

AND NOW COMES Plaintiff, by and through her counsel, and hereby respectfully moves for class certification under Rule 23 in the above matter.

Plaintiff seeks to certify the following class:

Plaintiff Foster and all former or current employees of Defendant Kraft who were designated as Wall-to-Wall Sales Representatives in Pennsylvania since July 1, 2007 who have been subject to the same pay policies and practices of Defendant Kraft (Salary Plus Plan) regarding payment of overtime at ½ the regular rate of pay, instead of the payment of overtime at time-and-one-half the regular rate of pay, in violation of the Pennsylvania Minimum Wage Act.

The factual and legal arguments in support of the Motion are contained within *Plaintiff's Brief in Support of Motion for Class Certification* which is being filed contemporaneously with this Motion. Furthermore, Plaintiff incorporates by reference the factual assertions contained within *Plaintiff's Concise Statement of Material Facts*.

WHEREFORE, Plaintiff respectfully requests the above-described class be certified under Rule 23 in this matter.

Respectfully submitted:

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Counsel for Plaintiff and Class

Dated: December 13, 2011